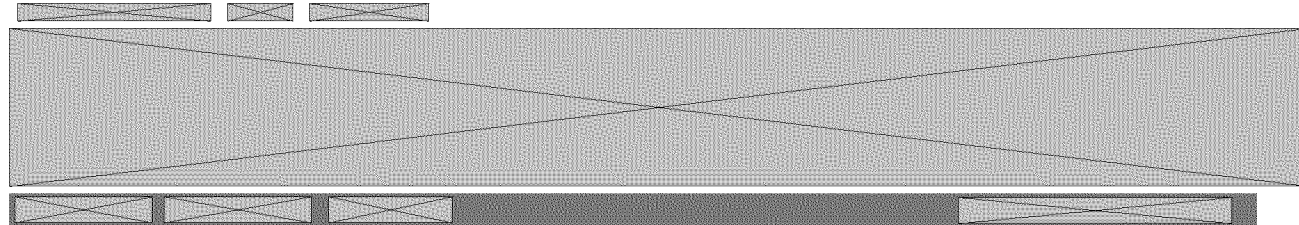


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August 14, 2015 - Number 157

## MY HEADLINES

### BNA INSIGHTS: Interpreting 'Waters of the United States': An Analysis of the New Clean Water Act Regulations

Damien M. Schiff and Paul J. Beard, II: The U.S. Army Corps of Engineers and the Environmental Protection Agency issued a new regulation interpreting the jurisdictional scope of the Clean Water Act, following several Supreme Court decisions that muddled the issue. The regulations make several important changes to how the agencies will assert jurisdiction over wetlands and other waters not currently covered under the act. Authors Damien M. Schiff and Paul J. Beard drill down into the rule ...

(Agency: Environmental Protection Agency)

### 31 States on Target to Comply With Clean Power Plan

Thirty-one states are already on track to meet their 2022 carbon dioxide emissions targets under the Clean Power Plan with 21 expected to surpass the Environmental Protection Agency standards, the Union of Concerned Scientists said Aug. 13 in an updated analysis. Twenty states are already on target to meet their final carbon dioxide emissions targets for 2030, the analysis said. The EPA's Clean Power Plan (RIN 2060-AR33), issued Aug. 3, sets a unique carbon dioxide emissions rate for ...

( Agency: Environmental Protection Agency)

### EPA Seeks Comment on Three Groups of Flame Retardants

The Environmental Protection Agency is seeking comment on approaches it proposes to use to assess the risks of three groups of flame retardant chemicals, according to an advance Federal Register notice released online by the agency's chemicals office Aug. 13.

(Agency: Environmental Protection Agency)

### Fifteen States Seek Stay of EPA Clean Power Plan

Fifteen states led by West Virginia are asking a federal appellate court to stay implementation of the Environmental Protection Agency's Clean Power Plan even though the final rule has not yet been published in the Federal Register (In re West Virginia, D.C. Cir., docket number unavailable, 8/13/15).

(Agency: Environmental Protection Agency)

### Most RGGI States on Track to Meet Power Plan Targets

Six of the nine states in the Regional Greenhouse Gas Initiative (RGGI) are on track to meet or come close to meeting by 2020 the federal Clean Power Plan's mass-

based goals for 2030, according to an analysis by Bloomberg BNA.  
(Agency: Environmental Protection Agency)

#### **Ozone Advocates Reach Out to White House**

Industry and environmental groups wrote to the White House this week to raise their concerns about the Environmental Protection Agency's review of the national ozone standards, which is expected to be completed by Oct. 1.  
(Agency: Environmental Protection Agency)

#### **Water Quality in Animas River at Pre-Spill Levels**

Water quality in the Animas River from the Silverton, Colo., area to the Durango municipal water intake has returned to pre-spill levels a week after the Environmental Protection Agency triggered a 3-million-gallon release of mining waste.  
(Agency: Environmental Protection Agency)

#### **Youths Sue Federal Government Over Climate Change**

A group of youths is suing the federal government for allegedly violating their constitutional rights to life, liberty and property by continuing to develop fossil fuels despite knowing the dangers caused by climate change to current and future generations (*Juliana v. United States*, D. Ore., No. 6:15-cv-01517, 8/12/15).  
(Agency: Environmental Protection Agency)

### **OTHER HEADLINES**

#### **NEWS**

##### *Air Pollution*

#### **China Air Pollution Kills 4,000 People a Day, Study Says**

Air pollution is killing an average of 4,000 people a day in China, according to researchers who cited coal-burning as the likely principal cause. [More »](#)

##### *Climate Change*

#### **Obama to Visit Alaska as Part of Climate Campaign**

President Barack Obama is taking his bully pulpit to the last American frontier. [More »](#)

##### *Drinking Water*

#### **Cyanobacteria Should Be Deemed Harmful: Study**

Blooms of cyanobacteria in recreational water and sources of drinking water are poorly understood and monitored but potentially dangerous, so they should be treated as potential pathogens until shown otherwise, according to research announced Aug. 12 by Oregon State University. [More »](#)

##### *Drinking Water*

#### **NYC Legionella Bacteria Controls to Be Applied by State**

A set of controls on Legionella bacteria in large building cooling towers was passed by the New York City Council and will be adopted also as emergency state regulations. [More »](#)

##### *Emissions Trading*

#### **Deutsche Bank Employees Said to Be Charged in Carbon Probe**

Frankfurt prosecutors charged seven current and one former Deutsche Bank AG employees over a scheme to help the lender and clients evade taxes on carbon-emissions trades, according to two people familiar with the case. [More »](#)

##### *Energy*

#### **Greenpeace Critical of Canada Spending on Energy Promotion**

Canada's federal government spent more than C\$31 million (\$23.9 million) on public relations advertising and "outreach activities" during the past two fiscal years to promote energy projects, according to internal documents from Natural Resources Canada that Greenpeace obtained under a Freedom of Information request. Most of the money was spent on advertising, public relations and social media in the U.S.,

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European Union and Asia, the documents said. Greenpeace Canada climate ... [More »](#)

#### ***Enforcement***

##### **China's State Council Signals Stepped Up Environmental Monitoring**

China will build a nationwide environmental monitoring network by 2020 to more accurately track air, water and soil pollution, the State Council said Aug. 12. [More »](#)

#### ***Enforcement***

##### **FedEx to Pay \$1.75M to Settle Waste Violations**

FedEx Ground has been ordered to pay \$1.75 million to settle alleged hazardous waste violations. FedEx Ground was accused of illegally transporting and storing hazardous waste, failing to train its employees adequately on the proper handling of the waste and failing to appropriately dispose of the waste, Los Angeles County Deputy District Attorney Daniel Wright said. Los Angeles County District Attorney Jackie Lacey announced the penalty Aug. 13. Prosecutors said that before June 1, 2013, ... [More »](#)

#### ***Hydraulic Fracturing***

##### **Importer Wins Tariff-Free Entry of Fracking Material**

Schlumberger Technology Corp.'s imports of bauxite proppants, a material used in hydraulic fracturing, should not be subject to import tariffs, the Court of International Trade ruled July 22, according to a partially redacted opinion released Aug. 12 (Schlumberger Tech. Corp. v. United States, 2015 BL 259441, Ct. Int'l Trade, No. 11-00266 (Slip Op. 15-78), 7/22/15). Chief Judge Timothy C. Stanceu said that the bauxite proppants, which are used in fracturing fluid to keep fractures ... [More »](#)

#### ***Pipelines***

##### **Ontario Regulator Says Energy East Pipeline Poses Risks**

TransCanada Pipelines Ltd.'s controversial C\$12 billion (\$9.2 billion) Energy East pipeline project poses greater environmental and economic risks in Ontario than the "modest" economic benefits it could offer the province, the Ontario Energy Board said in an Aug. 13 report. [More »](#)

#### ***Regulatory Policy***

##### **Court Sets Aside 30-Year Permits for Harm to Eagles**

A federal rule allowing 30-year permits for unintentional harm to eagles was set aside by a federal court and remanded for environmental analysis to the U.S. Fish and Wildlife Service (Shearwater v. Ashe, N.D. Cal., No. 5:14-cv-02830, 8/11/15). [More »](#)

#### ***Regulatory Policy***

##### **Southern Wins Mississippi Rate Increase for Carbon-Capture Plant**

Mississippi regulators threw a lifeline to Southern Co.'s financially troubled clean-coal power project by temporarily raising customer bills 18 percent for a facility whose backers include the U.S. government. [More »](#)

#### ***Water Pollution***

##### **California Court Invalidates Waiver for Farm Discharges**

A California court ordered the State Water Resources Control Board to set aside a waiver for agricultural discharges along California's Central Coast and prepare a new one after completing a supplemental environmental review (Monterey Coastkeeper v. California State Water Res. Control Bd., Calif. Super. Ct., No. 34-2012-80001324, 8/10/2015). [More »](#)

#### ***Water Pollution***

##### **Fola Coal Mines Fouling West Virginia Watershed, Judge Says**

Fola Coal has violated permitted narrative water quality standards at two West Virginia mountaintop mining operations, damaging adjoining streams, a federal judge has ruled (Ohio Valley Env'tl. Coal. v. Fola Coal Co., LLC, S.D. W.Va., No. 2:13-cv-21588, 8/12/15). [More »](#)

## ***Water Pollution***

### **New York Sets \$114M in Water-Project Loans**

New York is providing municipalities with more than \$114 million in zero-interest or low-interest loans to help them strengthen water infrastructure, Gov. Andrew M. Cuomo (D) announced Aug. 13. The loans, to support improvements at 16 wastewater facilities and four drinking water systems, include six projects to make them more resilient in the face of extreme weather, the state said. "From Hurricane Irene to Superstorm Sandy and beyond, our state has felt the new reality of extreme ... [More »](#)

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